

1 PHILLIP A. TALBERT
Acting United States Attorney
2 JUSTIN L. LEE
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
5 Attorneys for Plaintiff
United States of America
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 RIGOBERTO GUERRA-SALCEDO, and
RAYMOND LEON RODRIGUEZ,
15 Defendants.
16

CASE NO. 2:20-CR-00089-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; FINDINGS AND ORDER

DATE: May 10, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

17
18 **STIPULATION**

- 19 1. By previous order, this matter was set for status on May 10, 2021.
20 2. By this stipulation, defendants now move to continue the status conference
21 until August 16, 2021 at 9:30 a.m., and to exclude time between May 10, 2021, and August
22 16, 2021 at 9:30 a.m., under Local Code T4.
23 3. The parties agree and stipulate, and request that the Court find the
24 following:
25 a) The government has represented that the discovery associated with
26 this case includes investigative reports, photographs, and audio recordings. All of
27 this discovery has been either produced directly to counsel and/or made available
28 for inspection and copying.

b) Counsel for defendants desire additional time review the discovery, conduct defense investigation, meet with their respective clients, and otherwise prepare for trial in this matter.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 10, 2021 to August 16, 2021 at 9:30 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 5, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney

Dated: May 5, 2021

/s/ JONATHAN GONZALES

JONATHAN GONZALES
Counsel for Defendant
Rigoberto Guerra-Salcedo


Dated: May 5, 2021

/s/ PHIL COZENS
PHIL COZENS
Counsel for Defendant
Raymond Rodriguez

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED. Moreover, the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

Dated: May 7, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE